

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO.29 OF 2022**

(NIKHIL PRAKASH SARAP & ANR...VS.. STATE OF MAH. THR. PSO PS KHADAN, AKOLA)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri A.M.Tirukh, Advocate for Applicants.  
Shri Sagar Ashirgade, A.P.P. for Non-applicant/State.

**CORAM : ANIL S. KILOR, J.**  
**DATED : FEBRUARY 16, 2022.**

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure for grant of bail in the event of their arrest in Crime No.456 of 2021 registered on 14/12/2021 with Police Station, Telhara, District : Akola on the complaint made by Sau.Anjali Nikhil Sarap, wife of applicant No.1 and daughter-in-law of applicant No.2 against the applicants and four other accused persons for the offences punishable under Sections 498-A, 354, 323 and 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant lodged a report against the applicants and four other accused persons stating therein that her husband was having extramarital relations prior to marriage and has disclosed the same to the complainant. However, on his promise that he will break the relations with accused No.6, she got married with applicant No.1. However, after marriage there was physical and mental

harassment meted out to the applicant at the hands of the accused persons including the applicants and there was also a demand of Rs.30,00,000/-.Accordingly, the complaint was lodged and it was registered, as referred above.

3. I have heard the learned counsel for the applicants and the learned A.P.P. for the State.

4. The learned counsel for the applicants submits that there was a delay in lodging the FIR and no explanation has been offered by the complainant. It is submitted that the complaint was lodged out of marital discord and the allegations are not probable and seems to be exaggerated one. It is submitted that the applicants were falsely implicated in the alleged offence.

5. The learned counsel for the applicant further submits that the custody of the applicant is not necessary and therefore, he prays for grant of bail in the event of their arrest in the present matter. At this juncture, the learned counsel for the applicants states that other accused persons are already released on bail.

6. On the other hand, the learned APP, by making the Case Diary available for perusal, states that the investigation is going on and statements of witnesses were

recorded, sufficiently show the involvement of the applicant in the instant offence. The learned APP is not disputing the fact that other accused persons are already released on bail.

7. After considering the contents of the FIR and after going through the Case Diary, it is revealed that there are allegations of demand of amount and harassment at the hands of the applicants and other accused persons.

8. The fact stated in the FIR that the husband of the complainant disclosed his illicit relations with the accused No.6 before the marriage and in spite of the same the complainant had shown willingness to marry the applicant No.1, *prima facie* appears to be improbable.

9. Moreover, nothing has been pointed out why the custody of the applicants is necessary in the alleged offence, particularly in the backdrop of the fact that the other accused persons are already on bail. In that view of the matter, I pass the following order:

i) The application is allowed.

ii) In the event of arrest in connection with Crime No.456 of 2021, dated 14/12/2021, registered with Police Station, Telhara, District: Akola for the offences punishable under Sections 498-A, 354, 323, 506 read

with Section 34 of the Indian Penal Code, the applicants be released on furnishing P.R. Bond for Rupees Fifteen Thousand each with one solvent surety in the like amount for each of the applicant.

The Criminal Application stands **disposed of** accordingly.

**JUDGE**

*RRaut.*